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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,540	01/16/2004	Anna Kron		5593

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DAVID J. SERBIN
1217 KING STREET
ALEXANDRIA, VA 22314

EXAMINER

ZEMEL, IRINA SOPJIA

ART UNIT	PAPER NUMBER
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1711

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,540

Applicant(s)

KRON ET AL.

Examiner

Irina S. Zemel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The applicants should note, once again, that, as noted in the previous office action, the claims currently pending in the application contain cl with either improper amendments or improper status identifier . No changes to the claims/ claim identifiers have been made by the applicants.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,287,308 to Nakayama et al., (hereinafter "Nakayama") in combination with US Patent 4,255,307 to Miller, (hereinafter "Miller").

The rejection of claims 1- 20 stands as per reasons of record.

The invention as claimed, thus, is still considered to have been obvious from the disclosure of the cited references.

Claim Rejections - 35 USC § 102/103

Claim 20 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nakayama.

The rejection stands as per reasons of record.

Response to Arguments

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Applicant's arguments filed 4-24,3007 have been fully considered but they are not persuasive. The argument presented by the applicants is that the examiner did not establish why it would be obvious for an ordinary artisan to select the specifically claimed sulfur containing agent in favor of all substances known to react with monomer in the absence of any clear advantages. The examiner disagrees with this assertion. As pointed out in previous office action, use of the specified sulfur containing agents is warranted for several reasons, including lack of bad smell. Moreover, the proposed substitution does not have to result in a better or advantageous composition, all is required is reasonable expectation of success. As the agents disclosed in Miller are known agent for very effectively reducing monomer content in variety of acrylonitrile monomer containing products, using such known agent for its precise function disclosed in Miller in another acrylonitrile monomer containing composition, which is also concerned with the same problem (reduction of monomer amounts) in place (or in addition) of another agent is clearly warrants reasonable expectation of successful removal of the monomer. Moreover, substitution of a component, or any modification of a reference, does not have to be for the same reason as applicants reasons. In addition, even though the Miller reference does not address specific characteristics of the agents it uses, or some specific effect of using those agents, the question is not whether the reference discloses certain advantages, rather it is whether those advantages are expected. As previously discussed, the advantages of elimination bad smell and discoloration effect are clearly expected from the very properties of the reactive agents.

Insofar as the applicants arguments that since Nakayama et al., who represents a team of an ordinary artisan, did not chose the claimed sulfur containing agent, but instead of the known problem of other agents still chosen other agents is an evidence of teaching away from choosing the claimed agents are also not convincing. As discussed in the previous office action, it is irrelevant what Nakayama whether the Nakayama was aware of the discoloration problem at the time Nakayama made his invention and whether teaching of Miller were known at that time to Nakayama. It is possible that Nakayama, even though, he knew of the problems associated with sulfur containing agents of his invention, was not aware of existence of other agents such as those disclosed by Miller. The relevant question is what would have been obvious for an ordinary artisan at the time the instant invention was filed. At that time, both cited references were in public domain and, as discussed in the previous office actions, one of ordinary skill in the art would have arrived to the claimed invention from the teachings of the cited references with reasonable expectation of success.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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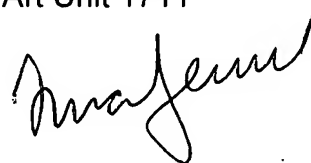
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irina S. Zemel whose telephone number is (571)272-0577. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571)272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Irina S. Zemel
Primary Examiner
Art Unit 1711



ISZ